

NOVEMBER 1, 2010

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IN THE SUPREME COURT OF THE STATE OF IDAHO

Docket Nos. 37985 & 37994

LINWOOD LAUGHY, KAREN)	
HENDRICKSON, and PETER GRUBB,)	
)	
Plaintiffs-Respondents,)	Boise, October 2010 Term
)	
v.)	2010 Opinion No. 110
)	
IDAHO DEPARTMENT OF)	Filed: November 1, 2010
TRANSPORTATION,)	
Defendant-Appellant,)	Stephen W. Kenyon, Clerk
)	
and)	
)	
CONOCOPHILLIPS COMPANY,)	
)	
Intervenor-Appellant.)	
)	

Appeal from the District Court of the Second Judicial District of the State of Idaho, Idaho County. Hon. John Bradbury, District Judge.

The decision of the district court is vacated and this case is remanded to the district court for entry of a dismissal.

Hon. Lawrence G. Wasden, Attorney General, Boise, for appellant. Lawrence Allen argued.

Holland & Hart, LLP, Boise, for intervenor/appellant. Erik Stidham argued.

Advocates for the West, Boise, for respondents. Laurence J. Lucas argued.

This case concerns the validity of permits issued by the Idaho Transportation Department for the transport along U.S. Highway 12, from Lewiston, Idaho to the Montana border of several very large coke drums for an oil refinery.

Several residents and business owners along the Highway 12 corridor contested the issuance of the permits in the district court, which issued a temporary injunction, and then went on to hold the permits invalid.

The matter was appealed by ConocoPhillips, who challenged the district court's ruling. In a 3-2 written decision issued today by the Idaho Supreme Court, the Court held that it had no jurisdiction to consider this matter because there is no statute authorizing it to do so.

The Court also held the permits issued by the Idaho Department of Transportation were not a final order of the Department, and therefore are not an appealable order. It further held that those contesting the permit had no right to seek judicial review in the district court since they were not parties to the Idaho Department of Transportation proceedings. The Court therefore reversed the decision of the district court, holding that neither the district court nor the Supreme Court had jurisdiction.